

REMARKS

Upon entry of the present Amendment, claims 3-12 and 21 remain in the applications; claims 13-20 having been withdrawn from consideration based upon a previous restriction requirement. It is further understood that the species of claim 3(1)(a) and claim 4 are in the application.

At the outset, Applicant's attorney wishes to thank the Examiner for the courtesies extended during the recent telephone interview. Pursuant thereto, the present Amendment is submitted. It is submitted that by this Amendment all bases of rejection set forth in the Office Action are now traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Initially, it is to be noted that the present invention is directed to a "system" which includes a dioxetane, an enhancer and a diluent or stabilizer wherein the dioxetane has at least one carbon-carbon double bond, or carbon-carbon triple bond in the ring or side chain. In other words, there is unsaturation present in the dioxetane, *per se*, and not in a pendent group. This enables both "sides" of the dioxetane ring to be reactive.

None of the references being asserted herein teach, disclose, or suggest this subject matter. It is respectfully pointed the dioxetanes disclosed and claimed herein are those set forth in the *Giri* patent referenced by the Examiner, namely, U.S. Patent No. 6,461,876. There is copendency between the *Giri* patent and the present application, since the present application was filed on June 17, 2000 and the patent in issue was issued in 2002. The Examiner cited *Giri* as a §102(e) reference, however, this is error since the same inventive entity exists as well as copendency.

The Examiner has conceded that neither *Schaap* WO97/24460, *Bronstein* '836, nor

Tafti '135, meet the limitations of the species of claim 3(1)(a) or claim 4.

Turning to the applied art references, as they pertain to the species of 3(1)(a), the *Bronstein* '747 reference only teaches unsaturation outside the ring. At column 3, lines 45 et seq. *Burnstein* teaches that the "T" group is bonded to the 3-carbon atom of the ring through a carbon-to-carbon bond or spiral linkage. Any reference to unsaturation or 1,2-fused aromatic rings is only outside the adamantyl ring and is not unsaturated within the ring. Similarly, *Adolfsen* does not teach a double bond or triple bond within the adamantyl ring. This is clearly borne out at Col. 6, lines 22-26, thereof.

Thus, for the reasons set forth herein, it is submitted that the now-amended claims are patentably distinct over the art of record. Accordingly, withdrawal of the rejections is respectfully requested.

If the Examiner feels that the prosecution of the application can be expedited, then he is courteously requested to place a telephone call to Applicant's attorney at the number listed below.

Respectfully submitted,


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